

**REMARKS/ARGUMENTS**

This Amendment is responsive to the Office Action mailed on April 10, 2007.

A number of rejections are made in the Office Action. Each rejection is addressed in the order presented in the Office Action.

I. Double patenting

Claims 1-34 and 39-41 are rejected for obviousness-type double patenting in view of the claims in Paulse et al. (US 6,675,104). This rejection is traversed.

Claim 1 is amended to recite c) interrogating the classification model to identify one or more features that differentiate the different biological status of each class from the biological status of other classes in the class set, wherein the one or more features include signal areas, signal widths, and the number of signals in each mass spectrum. Independent claim 35 is amended in a similar manner. This feature is not taught or suggested by the claims in Paulse et al., and the pending claims are therefore patentably distinct over the claims in Paulse et al.

II. 35 USC 103

Claims 1-41 are rejected as obvious in view of Hitt et al. (US 2003/0004402) and Alsberg. This rejection is traversed.

The Examiner alleges that Alsberg teaches or suggests "one or more features [including] signal shapes (page 392-393), signal areas, signal widths, or the number of signals in each mass spectrum....". Applicants submit that the independent claims 1 and 35 now recite that the one or more features include signal areas, signal widths, and the number of signals in each mass spectrum. Clearly, differentiating spectra using the combination of these features is not taught or suggested by Alsberg. For example, each of the signals on pages 392-393 appear to have the same width, so the signal width cannot be used to differentiate spectra in Alsberg. While the Examiner alleges that signal widths are discussed at pages 392, 400 in Alsberg,

Applicants cannot locate the specific passage relied upon by the Examiner. The Examiner is requested to provide a more specific cite if the claims are again rejected.

Applicants further submit that the combination of Hitt et al. and Alsberg is based on improper hindsight reconstruction, and further assert that the references would not have been combined in the manner proposed by the Examiner.

**CONCLUSION**

Applicants believe all claims now pending in this Application are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patrick R. Jewik', is written over a horizontal line.

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